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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 002294

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SENSITIVE

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SUBJECT: MORE TROUBLED ELECTIONS: SENATE RESULTS AND MP  
UPDATE

REF: BANGKOK 2156

Classified By: POLITICAL COUNSELOR SUSAN M. SUTTON. REASON: 1.4 (D)

11. (U) Summary: Thai voters turned out in reportedly lower than expected numbers on April 19 to elect new members of the 200 seat Senate. The polls were largely uneventful save in the separatist violence afflicted southern border province of Narathiwat, where three persons died in separate shootings and bombings. Critics are charging that at least half of those likely to be announced as winners have some tie to the Thai Rak Thai party. Preparations and controversy continue for the April 23 by-elections in some 39 lower house constituencies where no candidates had been able to garner more than 20 percent of the votes in single party polls in the earlier general elections (and one where the single candidate was later disqualified). End summary.

12. (SBU) On April 19, Thai voters cast ballots for the 200 member national Senate. Observers say that there were fewer voters turned out than they had anticipated. Embassy monitors saw a mixed turnout - high in some places and low in others. As noted in reftel, each province is regarded as one constituency and awarded Senate seats proportional to population. In cases where a province has more than one senatorial seat, the candidates who receive the highest number of votes in respective order will be elected as Senators up to the seats available. Some observers said that the lower voter numbers was due to the polls being held in the middle of the week. An official from the election monitoring organization Poll Watch, however, attributed the low turnout in some areas to "election fatigue." As he explained to poloff, the April general election for the lower house and next week's by-election to address unresolved elections in some 40 constituencies have induced in some voters a sense of ennui. (Note: a recent poll in Bangkok reported that almost 44 percent of respondents were unsure of the role and duties of the Senate. End note)

CRITICS SEE THAKSIN TRT THAI CONNECTIONS IN MANY OF THE ELECTEES

13. (C) Already the new Senate is being criticized for containing too many TRT-related members. Prominent new Senators in Bangkok considered to be in the Thaksin camp include: Samak Sunthonwet, former Governor of Bangkok and critic of U.S. foreign and human rights policy; Uthai Phimchaichon, former House Speaker and TRT party list MP; Samat Malulim, a former Bangkok Councilor; Dr. Nalini Thaisin, sister of Bangkok Metropolitan Administration Permanent Secretary Natthanon and Professor Manwipha Intharanat, spouse of Major General Trairong, who is a close associate of Defense Minister General Thammarak.

BUT OTHER PROMINENT TRT OPPONENTS WIN SEATS

14. (C) But prominent candidates in Bangkok identified as linked to Thaksin's opponents in the political opposition, such as the Democrat Party (DP), or the activist groups such as the People's Alliance for Democracy (PAD), also won seats. Police Captain Nitiphum Naowarat won the most votes in the Bangkok polls. He is, among other things, a former Border Patrol official, a convert to Islam, prominent anti-Thaksin speaker during recent PAD rallies and a critic of U.S. foreign policy. Ex-National Counter Corruption Commission Secretary General Klanarong Chanthik pursued Thaksin's asset

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concealment case in the NCCC and in the Constitutional Court. He was also a frequent PAD speaker against the PM in recent rallies. Rosana Tositrakun, a noted social and political activist, was a leader in the successful effort to block privatization of the Electricity and Gas of Thailand and a vigorous pursuer of corruption charges against Thaksin. She also campaigned against a Thai-U.S. FTA. On the other hand, former Bangkok Governor Phichit Rattakun appears to be more pro-U.S. in his attitude.

15. (C) Other new Senators are less politically active and more of a question mark. Sombat Sukthinthai, a well known former actor, has never been politically active. Nor has been Chutinan Phiomphakdi, a relative of the Queen and son of a wealthy beverage business family.

16. (C) Not surprisingly, candidates linked to the TRT are believed to have done well in the Northeast and North, where in Nakhon Ratchasima, Buriram, Roi-et and Chiang Mai, for example, spouses and siblings of prominent TRT MPs and Cabinet members took seats. In fact, the local press is dubbing this "the Senate of husbands and wives."

17. (C) Just as predictably, Senate candidates thought linked to the popular opposition Democrat Party (DP) did well in the southern provinces. Huwaidiya Phitsuwan, sister of DP Deputy Leader Surin Phitsuwan, took a Senate seat from Nakhon Si Thammarat. In Chumphon, Chatchai Phalang, brother of DP MP Suwarat, picked up the province's seat. In Songkhla, Thipphan Phatthano, spouse of a former DP MP, won a seat.

#### BLOODSHED DISRUPTS POLLS IN NARATHIWAT

18. (SBU) Though nationwide the polls were peaceful, election-related bloodshed occurred in the separatist violence-affected southern border province of Narathiwat. The Narathiwat Vice Governor's Office confirmed to the Embassy that three fatal attacks took place on election day. On April 19, suspected separatists reportedly shot dead a police sergeant (and wounded another policeman) at a polling station in Muang district. Later in the day, a bomb planted in a roadway killed a person riding on a truck carrying ballots. Another roadside bomb killed an election official and wounded 11 others after the polls closed. Several other bombings, but no deaths, were reported in neighboring Yala Province.

#### BY-ELECTIONS LOOM: CURRENTLY BEING FOUGHT IN THE COURTS

19. (SBU) Now eyes are turning to the upcoming by-elections on April 23 to decide seats unresolved in the April 2 general elections, all but one because the single TRT candidate in the April 2 polls couldn't get the required 20 percent of the vote. The pre-election skirmishing is now taking place in the courts. Following a DP complaint, the Thai Supreme Court issued a milestone ruling this week to disqualify nine MP candidates, including two for "hopping" to run in another constituency on April 23. This brings the total number of TRT MP candidates who must stand-alone and face the 20% minimum rule from 16 to 24. (Comment: Since voters of the affected by-election constituencies did not give the 20% minimum support for their stand-alone TRT candidate on April 2, it would be difficult for the same TRT candidate to win the required votes if they were to run unopposed again in the by-elections. End Comment.)

10. (SBU) When asked about their rationale for allowing the "constituency-hopping" to take place during by-election registration, EC officials stated the EC and the Supreme Court had different interpretations of the Constitution. The EC pointed out that allowing the same candidate who failed to obtain the required 20% minimum the first time to re-run in the same constituency would simply lead to the same results. Therefore, it made sense for them to register elsewhere. However, the Supreme Court ruled that since there are no official results from the April 2 election, allowing the "hopping" would legally mean that the same candidate filed to run in two separate constituencies, which contravenes Article 108 of the Constitution.

11. (U) Meanwhile, the Democratic Party (DP) has filed a criminal lawsuit against the Election Commission (EC) for its abuse of power during the snap elections. The hearing will begin on May 29.

#### SAME OLD, SAME OLD?

12. (C) Comment: The new Senate will have its work cut out for it in overcoming the negative image suffered by its predecessor as being a mere "rubber stamp" body. The political inclinations of its nominally "non-political" members will be a particularly sensitive issue as questions of Thaksin influencing the governing process from behind the scenes will arise over coming months. Meanwhile, the lawsuits just keep coming in the wake of the fraught House election, guaranteeing that a cloud will hang over the new parliament -- whenever it convenes -- for some time to come.

#### BOYCE